

**REMARKS**

The present filing is responsive to the Examiner's concerns noted in the Office Action.

**Examiner's Interview**

Applicant is grateful for the opportunity of an interview with the Examiner on October 17, 2007, and the courtesy extended by the Examiner at the interview. At the interview, the primary references, Bae and Davies, and a secondary reference, Kimchi, were discussed in reference to the inventive technical concept of the present invention. While no agreement has been reached, the discussion identified possible distinguishing concepts in the present invention and weaknesses in the references, which would render the claims patentable over the cited references. Primarily, none of the references, either considered singly or in combination disclose a remote hosting site (e.g., a voice chat server) for managing the speed and bandwidth of audio transmissions.

**Summary of the Response**

Claims 1, 2 and 7 have been amended. New claims 8-20 have been added. Claims 1-20 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

**Claim Objections**

Claims 1 and 7 are objected to because of minor informalities. Claims 1 and 7 have been amended to correct the minor informalities as noted by the Examiner.

### The Claimed Invention

The present invention is directed to a method and system for transmitting one-way video to a recipient (e.g., broadcasting to multiple recipients) and exchanging two-way audio between a source and the recipient over a computer network (e.g., the Internet), comprising the steps of: transmitting video content only (e.g., substantially live video) via a first channel of the computer network; exchanging audio (i.e., two way audio signal) between the source and an intermediate audio site (e.g., a remote hosting site, such as a voice chat server, wherein, the remote hosting site provides necessary speed and bandwidth required for two-way audio communication) via a second channel (e.g., VoIP channel) of the computer network which is separate from the first channel; accessing (e.g., via a first IP address) the video content by the recipient using a first graphical user interface (e.g., a browser or media player) to play the video content; and accessing (e.g., via a second IP address) the intermediate audio site by the recipient using a second graphical user interface (e.g., a browser or media player) to play audio from the source and to send audio to the intermediate audio site for exchange with the source.

### Claim Rejections Under 35 USC 102

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies (U.S. Patent No. 7,043,749). This rejection is respectfully traversed.

On the outset, Applicant notes Davies has been applied as a 102(e) reference (the present invention has an effective filing date prior to issuance of the Davies patent). As such, Applicant may be entitled to "swear behind" Davies. Given the traversal of Davies below, Applicant has

not yet considered such option, but reserves the right to do so should the need arise at a later date.

Previously presented independent claim 1 has been amended to include a "remote hosting site" that provides necessary speed and bandwidth for two-way audio communication. The recipient accesses the remote hosting site to access audio signal or transmit audio signal. Support for such amendment is found in the original specification, for example at page 23, line 8 to page 24, line 4. New claim 9 specifically requires the remote hosting site to comprise a voice chat server. Davies does not disclose the recited remote hosting site, and specifically a voice chat server, that provides access to audio signal by a recipient.

Accordingly, claim 1 and all claims dependent therefrom are not anticipated by Davies.

#### Claim Rejections Under 35 USC 103

Claims 1-6 are rejected under 35 USC 103(a) as being unpatentable over Bae (U.S. Patent No. 6,801,619) in view of Kimchi (U.S. Pub. No. 2002/0120760). Claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over Bae (U.S. Patent No. 6,801,619) in view of Naudus (U.S. Patent No. 6,130,880). These rejections are respectfully traversed.

#### a. Bae and Kimchi

On the outset, Applicant notes that the present invention has an effective filing date prior to issuance of the Bae and Kimchi patents. As such, Applicant may be entitled to "swear behind" Bae and/or Kimchi. Given the traversal of Bae and Kimchi below, Applicant has not yet considered such option, but reserves the right to do so should the need arise at a later date.

Like Davies, Bae is deficient with respect to the recited "remote hosting server" for audio signals. Bae does not disclose a remote hosting site (e.g., a voice chat server) that provides necessary speed and bandwidth for two-way audio communication as required by independent claims 1, 2 and 7 as amended.

Further, Bae does not disclose transmitting the source digital audio signal is a two way signal that is transmitted on a channel separate from the one-way transmission channel, as required by independent claims 1 and 2. There is no indication anywhere in Bae that audio and visual signals are transmitted on separate channels, with the audio signal being a two way signal. Firstly, referring to Fig. 1 and the accompanying disclosure in Bae, combined audio data and video data are streamed from the same server 203, and combined audio and video data from an audio video data server 205 and audio video archive 204 on a same channel via the Internet. In fact, the Examiner conceded that the audio and video data in Bae are not separately transmitted on separate channels. Secondly, the audio data streamed is not a two way signal. Referring to Fig. 2 and column 11, lines 18+, during a wait period for customer service operator at step 411, audio/visual material is provided to the customer from audio/visual streaming server 203, the audio/visual archive 204 and the audio/visual data server 205. This is a one way combined audio/visual signal provided to the customer during the wait period, and clearly not a two way signal.

Still further, contrary to the Examiner's contention, Bea does not disclose an Internet web page accessible by the remote recipient and configured to play audio and video signals which are transmitted on separate channels. The Examiner referred to col. 10, ll. 18-34, and col.11, ll. 62 – col. 12, ll.7 in Bae. However, these sections merely refer to web browsers at the user's workstation. Specifically, the queue manager 202 determines the capabilities of the customer

workstation 206, and then selects the java runtime components best suited to the browser that the customer's workstation is using. There is no disclosure of the user workstation using the browser to access an Internet web page specifically to access audio and video signals, wherein the audio and video signals are transmitted on separate channels.

Kimchi does not make up for the deficiencies of Bae. Kimchi does not disclose the recited "remote hosting server", or the recited web page. (Paragraphs [0024] and [0025] in Kimchi do not disclose the recited web page.)

Consequently, even if Bae and Kimchi are somehow combined, such combination would not obtain the present invention as recited in independent claims 1 and 2.

Further, there is no teaching, suggestion, motivation or any apparent reason to combine Bae and Kimchi in the first place. Bae provides audio/visual materials to customer during a wait period for customer service representative. There is therefore no need for a two way audio signal while combined audio/visual material is being provided to the customer during the wait period for customer service operator.

Accordingly, the present invention is not rendered obvious by Bae and Kimchi.

**b. Bae and Naudus**

Like Kimchi, Naudus does not make up for the deficiencies of Bae. Naudus does not disclose the recited "remote hosting server", or the recited web page.

Consequently, even if Bae and Naudus are somehow combined, such combination would not obtain the present invention as recited in independent claims 1 and 2.

Further, there is no teaching, suggestion, motivation or any apparent reason to combine Bae and Naudus in the first place. Bae provides audio/visual materials to customer during a wait period for customer service representative. There is therefore no need for a two way audio signal while combined audio/visual material is being provided to the customer during the wait period for customer service operator.

Regarding independent claim 7, Bae and Naudus in combination do not disclose the recited remote hosting site.

Accordingly, the present invention is not rendered obvious by Bae and Naudus.

#### New Claims

New claims 8-20 have been added to more fully define the patentable aspects of the present invention.

New claim 9 recites a method of transmitting one-way video to a recipient and exchanging two-way audio between a source and the recipient over a computer network, comprising the steps of: transmitting video content only via a first channel of the computer network; exchanging audio between the source and an intermediate audio site via a second channel of the computer network which is separate from the first channel; accessing the video content by the recipient using a first graphical user interface to play the video content; and accessing the intermediate audio site by the recipient using a second graphical user interface to play audio from the source and to send audio to the intermediate audio site for exchange with the source. New independent claim 20 recites similar limitations for a system.

New dependent claims 10-19 recited further limitations that further distinguish from the cited references.

For at least the reasons noted above with respect to claims 1, 2 and 7, the cited references, either taken alone or in combination, would not anticipate or render obvious the new claims. Specifically, the cited references do not disclose the recited intermediate audio site, which can be accessible using a graphical user interface by the recipient to implement two way audio exchange.

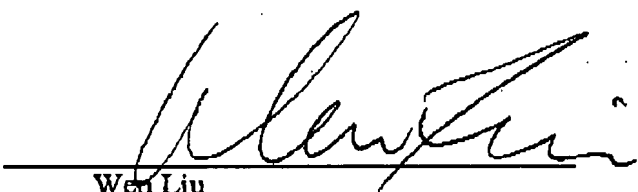
#### **CONCLUSION**

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 501288 referencing the attorney docket number of this application.

Respectfully submitted,

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Wen Liu  
Registration No. 32,822

LIU & LIU  
444 S. Flower Street; Suite 1750  
Los Angeles, California 90071  
Telephone: (213) 830-5743  
Facsimile: (213) 830-5741  
Email: wliu@liulaw.com